

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**IDELLA JENKINS AND
EMMITT JENKINS**

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 4:08CV121-P-S

**KELLOGG COMPANY; FAMILY DOLLAR
STORES OF GREENVILLE, MISS., INC. AND
UNKNOWN DEFENDANTS A-D**

DEFENDANTS

ORDER

This cause came on for hearing on defendant Family Dollar Stores' [12] Motion to Dismiss and plaintiffs' Motion to Remand [17]. The Court, having considered the motions and being otherwise fully advised in the premises, finds as follows, to-wit:

In accordance with the Memorandum Opinion entered this day, the Court finds that the plaintiffs' Motion to Remand is not well-taken and should be denied. Furthermore, inasmuch as the Court's finding is partially premised on the improper joinder of defendant Family Dollar Stores, said defendant's Motion to Dismiss is well-taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiffs' Motion to Remand [17] is not well-taken and should be, and hereby is, DENIED. IT IS FURTHER ORDERED that defendant Family Dollar Stores' Motion to Dismiss [12] is well-taken and should be, and hereby is, GRANTED. IT IS FURTHER ORDERED that defendant Family Dollar Stores is hereby DISMISSED WITH PREJUDICE as a party defendant. IT IS FURTHER ORDERED that the stay imposed by the Magistrate Judge is hereby LIFTED. IT IS FURTHER ORDERED that the parties are to contact the Magistrate Judge within ten (10) days of the entry of this Order to schedule an

initial case management conference.

This, the 6th day of July, 2009.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE